

## **REMARKS**

### **Claim Rejections**

Claims 34, 38, 58-59 and 64 stand rejected as obvious over U.S. Patent Application Publication No. 2001/0055990 (Acres) in view of U.S. Patent Application Publication No. 2003/0130041 (Pascal et al.) and U.S. Patent No. 6,572,471 (Bennett).

Claims 35 and 55-57 stand rejected as obvious over Acres, Pascal and Bennett in view of U.S. Patent No. 5,758,875 (Giacalone, Jr.).

Claims 60-63 and 68 stand rejected as obvious over Acres, Pascal, Bennett and Giacalone, Jr. in view of U.S. Patent No. 6,368,218 (Angell, Jr.).

Claim 69 stands rejected as obvious over Acres, Pascal and Bennett in view of U.S. Patent No. 5,769,422 (Stromer).

### **Claim Amendments**

Claim 34 has been amended to further patentably distinguish over the cited references.

### **The Cited References**

Acres is directed to a method of configuring electronic gaming machines, such as slot machines or video poker machines, interconnected by a computer network. The behavior of each gaming machine is controlled by configuring selected parameters such as game speed, payback percentage or game appearance. The payback percentage may be changed by implementing a new pay table at a selected machine or machines or by implementing a bonus. (Abstract).

Pascal et al. is directed to a method and apparatus for allowing a number of players to participate simultaneously in a tournament using a plurality of networked gaming terminals. (§0002). The method and apparatus were designed to make tournament play more available, simpler and less expensive. (§0006).

Bennett is directed to a gaming system which includes a number of gaming machines 100g-100h which may be played as part of a tournament. The gaming machines are connected to a central or tournament controller 101 via a number of bank controllers 103. The gaming machines in each bank are also connected to a central display 106. The game results or the game progress may be displayed on the respective central displays 106. (Col. 6, lines 5-19).

In Bennett, when a tournament commences, all of the gaming machines participating display a common game which may also be displayed on the bank displays 106. The tournament controller 101 sends signals to the participating gaming machines and bank displays when a tournament is about to commence, indicating they should display the tournament game screen at the end of the next game cycle. When all of the machines report that they have displayed the tournament screen, the tournament controller waits briefly to give the player on the last gaming machine to report in, time to realize that a tournament is about to commence and then a signal will be issued to commence the tournament. The participating gaming machines, when they receive this signal, will indicate to their respective players to commence playing and the players should then commence playing the tournament. (Col. 6, lines 25-40). The object of the tournament feature is for each eligible player to play directly against each other player in the tournament. Thus, when the tournament is triggered by the tournament controller 101 during play of the base slot game, the same feature game will be displayed on every participating gaming machine. (Col. 6, lines 46-50).

Giaclone, Jr. is directed to a gaming system that includes a dynamic rate controller 34. The rate controller is used to adjust the rate of game play. (Col. 3, lines 14-46).

Angell, Jr. is directed to a gaming system in which a plurality of players are each connected to a host which enables players to participate jointly in the same game of chance. (Abstract). The gaming system includes an auto play feature so that slower inattentive players do not stop the game. Specifically, a no-response timer causes an auto play feature which would continue the game for a player that is disconnected or stops responding. (Col. 4, lines 7-16).

Stromer is directed to a method and apparatus for playing a blackjack-type of card game. (Abstract).

### **Applicants' Claimed Invention Would Not Have Been Obvious**

The following factual inquiries must be considered in any obviousness evaluation: the scope and content of the prior art, the differences between the claimed invention and the prior art, the level of ordinary skill in the pertinent art, and any evidence of secondary considerations. To establish a *prima facie* case of obviousness, it is axiomatic that the prior art, either alone or in combination, must disclose each and every element of the claimed invention. As stated in the M.P.E.P., “[t]o reject a claim . . . Office personnel must articulate the following: (1) a finding that the prior art included each element claimed, although not necessarily in a single prior art reference, with the only

difference between the claimed invention and the prior art being the lack of actual combination of the elements in a single prior art reference.” M.P.E.P. §2143A.

Moreover, “[t]he rationale to support a conclusion that the claim would have been obvious is that all claimed elements were known in the prior art and one skilled in the art could have combined the elements as claimed by known methods with no change in their respective functions, and the combination yielded nothing more than predictable results to one of ordinary skill in the art.” *Id.* Also, some articulated reasoning with rational underpinnings must be provided to support a *prima facie* case of obviousness.

Claim 34 is directed to a method of tournament gaming. The method includes providing a plurality of gaming devices adapted for tournament play and configured to play at least one primary game of chance. A tournament game is initiated on a gaming device in response to an occurrence of one or more qualifying outcome events of the at least one primary game of chance. The qualifying outcome event of the at least one primary game of chance is winning the at least one primary game of chance or is based on multiple wins of the at least one primary game of chance. The tournament game may be played at different permitted rates of play. The rate of play is changed in response to an occurrence of a specific game outcome of a plurality of game outcomes of the tournament game wherein the specific game outcome is a specific winning combination.

The combination of Acres, Pascal et al. and Bennett does not result in Applicants’ claimed invention. Thus, a *prima facie* case of obviousness has not been made out.

Specifically, in Bennett, a tournament is initiated on the gaming machines 100g-100h in response to a signal from the tournament controller 101. Bennett states: “ The tournament controller 101 will send signals to the participating machines 100 and bank displays 106 when a tournament is about to commence indicating that they should display the tournament game screen. . . at the end of the next game cycle. When all of the machines report that they have displayed the tournament screen, . . . a signal will be issued to commence the tournament.” (Col. 6, lines 27-37).

There is absolutely no disclosure in Bennett of initiating a tournament game of chance in a multi-player tournament in response to the occurrence of one or more qualifying outcome events of a primary game of chance. Rather, in Bennett, the controller 101 decides, apparently arbitrarily, when to initiate tournament play. The initiation of tournament play does not occur in response to a qualifying outcome event of Bennett’s base slot game.

In Bennett, the initiation of a tournament is not based on the occurrence of a qualifying event of a primary game, such as a winning outcome of the primary game. (Applicants' specification, ¶¶0020, 0055). Instead, in Bennett, a tournament is triggered during routine game play. As explained in Bennett, "when the tournament is triggered during play of the base slot game, the same feature game will be displayed on every participating machine." (Col. 6, lines 47-50).

Moreover, Applicants' claimed invention specifies that the permitted rate of play of a tournament game may be changed in response to an occurrence of a specific tournament game outcome, for instance, a certain winning combination. This aspect of Applicants' invention provides a bonus feature in which a tournament player may play, for example, at a "turbocharged" rate of play. (Applicants' specification, ¶¶0024, 0071).

Acres discloses that a configuration parameter of an electronic gaming machine may be changed in response to a computer command. (¶0043). Configuration parameters include game speed and payback percentage. (Abstract). The game speed and payback percentage are changed by a casino to change the effective wager per unit time. As explained in Acres, "[t]he faster the game speed and the lower the payback percentage, the more money the casino retains, and vice versa." (¶0012).

Unlike Applicants' claimed invention, Acres does not change the permitted rate of game play of a tournament game in response to an occurrence of a specific game outcome which may occur during play of the tournament game. Instead, in Acres, the game speed of a primary game is changed "in accordance with the demand on the casino floor." (¶0012). That is, the game speed is increased and the payback percentage decreased during high demand periods. (*Id.*).

Therefore, for at least these reasons, Applicants' claimed invention as set out in claim 34 and its dependent claims would not have been obvious in view of Acres, Pascal et al. and Bennett.

## **Conclusion**

In view of the foregoing, it is respectfully submitted that all the claims are now in condition for allowance. Accordingly, allowance of the claims at the earliest possible date is requested.

If prosecution of this application can be assisted by telephone, the Examiner is requested to call Applicants' undersigned attorney at (510) 663-1100.

If any additional fees are due in connection with the filing of this amendment (including any fees due for a further extension of time), such fees may be charged to Deposit Account No. 504480 (Order No. IGT1P482X1).

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Respectfully submitted,

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